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Attorneys for Defendant
CONNECTU, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU, INC. (formerly known as CONNECTU, LLC), PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, and WAYNE CHANG,

Defendants.

Case No. 5:07-CV-01389-JW

DECLARATION OF EVAN A. PARKE IN SUPPORT OF CONNECTU'S ADMINISTRATIVE MOTION TO SEAL

(1) CONNECTU'S NOTICE AND MOTION FOR EXPEDITED DISCOVERY AND EVIDENTIARY HEARING;

(2) DECLARATIONS OF EVAN A. PARKE, CAMERON WINKLEVOSS, ROBERT T. CLARKSON, AND DONNA M. HITSCHERICH AND EXHIBITS IN SUPPORT THEREOF;

(3) [PROPOSED] ORDER ON MOTION FOR EXPEDITED DISCOVERY AND EVIDENTIARY HEARING;

(4) CONNECTU'S MOTION TO SHORTEN TIME AND DECLARATION OF EVAN A. PARKE IN SUPPORT; AND

(5) [PROPOSED] ORDER ON CONNECTU'S MOTION TO SHORTEN TIME.

Dockets.Justia.com

I, Evan A. Parke, declare as follows:

1. I am an associate with the law firm of Boies, Schiller & Flexner LLP, counsel to ConnectU, Inc. I am licensed to practice law in the District of Columbia and in the State of Illinois and am appearing in this case per an order of the Court granting my application to appear *pro hac vice*. I have personal knowledge of the facts and circumstances set forth in this Declaration. I make this Declaration pursuant to Civil L.R. 7-11 and 79-5(b).

2. Good cause exists for sealing (1) ConnectU's Notice and Motion for Expedited Discovery and Evidentiary Hearing; (2) Declarations of Evan Park, Cameron Winklevoss, Robert T. Clarkson, and Donna M. Hitscherich and Exhibits in Support Thereof; (3) [Proposed] Order on Motion for Expedited Discovery and Evidentiary Hearing; (4) ConnectU's Motion to Shorten Time and Declaration of Evan A. Parke in Support Thereof; and (5) [Proposed] Order on ConnectU's Motion to Shorten Time. Plaintiffs have taken the position that their Confidential Motion and all papers filed in support thereof contain confidential information that is subject to the protection in the Stipulated Protective Order dated January 23, 2006. The materials requested to be sealed in this motion contain the same or related information that Plaintiffs contend is covered by that Protective Order and/or are alleged by Plaintiff to implicate confidentiality provisions found in a purported agreement that is the subject of dispute between the parties.[1]

3. This Administrative Motion is being made pursuant to Civil L.R. 79-5, which requires a Court order to seal documents and does not permit sealing by stipulation.

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1 By filing this declaration, ConnectU does not waive any arguments or rights as to (i) the admissibility or inadmissibility of evidence surrounding the purported agreement, (ii) the confidentiality or non-confidentiality of information relating to the purported agreement, or (iii) the enforceability or unenforceability of the purported agreement.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. Executed this 19th day of May, 2008.

/s/ *Evan A. Parke*

Evan A. Parke

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 19, 2008.

Dated: May 19, 2008

/s/ *Steven C. Holtzman*
Steven C. Holtzman